IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 144 (S/B) of 2004

Upendra Kumar Gopal … Petitioner

Versus

State of Uttaranchal others. … Respondents

Hon'ble M.M. Ghildiyal, J.
Hon'ble Rajesh Tandon, J.

Heard Sri Subhash Upadhyay learned counsel for the petitioner, learned Chief Standing Counsel for the respondents No. 1 and 3 and Sri U.K. Uniyal for the respondent no. 2.

By the present writ petition the petitioner prays for a writ, order of direction in the nature of mandamus directing the respondents to declare the result of the petitioner as successful candidate ignoring the non-registration of the petitioner at Employment Exchange.

Brief facts of the case are that the petitioner is a diploma engineer and has completed and apprentice training from 30.03.1990 to 31.03.1991 at the Provincial Division, P.W.D. Dehradun. After completing of training by the petitioner from the Department, the Department did not provide any job to him. The different provisions of the Apprenticeship Act, 1961 have been interpreted by the Hon'ble Supreme Court expecting that it should be endeavourer of every Departments to provide job to a candidate, who has obtained training from the respective Department.

The petition may be decided in terms of the judgment of the Apex Court in the Case of U.P. State Road Transport Corporation and another Vs. U.P. Parivahan Nigam Shishukhs Berozgar Sang And others (1995) 2 SCC1, wherein it has been observed as under:-

> *"In the back ground of what has been noted above, we stated that the following would be kept in mind while dealing with the claim of the trainees to get employment after successful completion of their training:*

(5) Other thing being equal, a training apprentice should be give preference over direct recruits.

(6) For this, a trainee would not be required to get his name sponsored by the employment exchange. The decision of this Court in Union of India Vs. Hargopal AIR 1987 SC 1227, would permit this.

(7) If age bar would come in the way of the trainee, the same would be relaxed in accordance, with what is stated in this regard, if any, in the concerned service rule. If the service rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.

(4) The training institute concerned would maintain a list of the persons trained yearwise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentice, preference shall be given to those who are senior.

In so far as the cases at hand are concerned, we find that the Corporation filed an additional affidavit in CA Nos. 4347-4354 of 1990 (as desired by the Court)on 20.10.1992 giving position regarding vacancies in the posts of conductors and clerks. If such posts be still vacant, we direct the Corporation to act in accordance with what has been stated above regarding the entitlement of the trainees. We made it clear that while considering the cases of the trainees for giving employment in suitable posts, what has been laid down in the Service Regulations of the Corporation shall be followed, except that the trainees would not be required to appear in any written examination, if any provided by the Regulations. It is the requirement of their names being sponsored by the employment exchange would not be insisted upon. In so far as the age

requirement is concerned, the same shall be relaxed as indicated above."

The petitioner has submitted that his result has not been declared by the respondents only on the ground that he was not registered with the employment exchange. The Hon'ble Apex Court U.P. State Road Transport Corporation and another Vs. U.P. Parivahan Nigam Shishukhs Berozgar Sang and others (1995) 2 SCC 1, has given guidelines while dealing with the claim of applicants who have successfully complied their apprentice training. The Apex court has held that the trainee would not be required to get his name sponsored by the employment exchange.

In clause 6 of the guidelines the Apex Court has a held has under:-

"*For this a trainee would not be required to get his name sponsored by the employment exchange. The decision of this Court in Union of India Vs. Hargopal AIR 1987 SC 1227, would permit this."*

In view of the aforesaid decision of the Hon'ble Supreme Court the respondents authorities are directed to declare the result of the petitioner, if the same is withheld on the ground that his name was not sponsored by the employment exchange.

With this directions, the writ petition is disposed of finally.

(Rajesh Tandon J.) **(M.M. Ghildiyal, J.)**

11.06.2004
ASWAL